

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JANUARY 24, 2005 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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- ITEM-1:                      ROLL CALL.
- ITEM-10:                    INVOCATION.
- ITEM-20:                    PLEDGE OF ALLEGIANCE.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

- ITEM-30:                    Approval of Council Minutes.
- ITEM-31:                    Approval of Council Minutes. (Continued from the meeting of January 11, 2005, Item 30.)
- ITEM-32:                    In the Matter of a Public Workshop regarding Strong Mayor Transition.

### **NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Monday, January 24, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Closed Session may continue into Tuesday, January 25, 2005.**

The Closed Session Agenda is separately available in the Office of the City Clerk and it is also posted at the same locations as the Open Session Agenda, including the City Internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

### **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Bid Protest Bonds and Clean Up Revisions to City's Public Contracting Ordinance.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 01/11/2005, Item 150, Subitem A. (Council voted 9-0).
- ITEM-51: First Amendment to the Facility Franchise Agreement with San Diego Landfill Systems to Extend the Existing Agreement's Provisions Dealing with Disposal of Biosolids.  
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.
- ITEM-100: Two actions related to Additional Funding for the Central Police Garage Relocation Project. (City Heights Community Area. District 3.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-101: Lease Agreement with Boys and Girl Clubs of Inland North County for 2.11 Acres at 2930 Marcy Avenue in Logan Heights for Recreational, Educational, Health, Social and Cultural Activities for the Youth. (Logan Heights Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Third Amendment to Consultant Agreement with Estrada + EDAW Partnership for Professional Services for the North Chollas Community Park Phase 1 Improvements. (Eastern Community Area. District 4.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Electrical Easement Grant to San Diego Gas and Electric for Fire Station No. 31. (Navajo Community Area. District 7.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Two actions related to Sewer Easement Vacation and General Utility Easement Vacation in Jackson's Map of Middletown PTS No. 16618. (Centre City Community Area. District 2.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-105: Funding for Fanuel Street Park Walkway Replacement. (Mission Bay Park Community Area. District 2.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: El Camino Real Acceleration Lane Funding. (North City Sub Area 2 Community Area. District 1.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Establishing a Tow-Away Zone Approximately 400 Feet on West Ysidro Boulevard, West of Via De San Ysidro, South Side. (San Ysidro Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Establishing Angle Parking from 2548 A Street to 25th Street North Curb and from 2545 A Street to 26th Street South Curb. (Golden Hills Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Establishing Angle Parking Zone on South 30<sup>th</sup> Street Between Ocean View Boulevard and Marcy Avenue. (Southeastern San Diego Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Consideration of Nominees for Appointment to the San Diego Unified Port District Board of Commissioners.  
TODAY'S ACTION IS: Adoption of a Resolution making **one** appointment to the San Diego Unified Port District Board of Commissioners for a term ending January 2, 2009.
- ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-112:           Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-113:           Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-114:           Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-115:           Harriet Gill and Friends of San Diego Architecture Day.  
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200:           Strong Mayor Transition Consultant – Request for Qualifications.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Public Notice

- ITEM-250:           **Notice** of Settlement of the State of California Resulting from Allegations of Sewer System Overflows.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

**SPECIAL ORDERS OF BUSINESS**

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

12/06/2004 – Special Meeting  
12/07/2004  
12/08/2004 – Special Meeting  
12/13/2004 – Adjourned  
12/14/2004 – Adjourned  
12/20/2004 – Adjourned  
12/21/2004 – Special Meeting  
12/27/2004 – Adjourned  
12/28/2004 – Adjourned  
01/03/2005 – Adjourned  
01/04/2005 – Adjourned

ITEM-31: Approval of Council Minutes.

(Continued from the meeting of January 11, 2005, Item 30, at the request of Councilmember Peters, to correct Councilmember Peters' motion on Item 334.)

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meeting of:

11/30/2004

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: In the Matter of a Public Workshop regarding Strong Mayor Transition.

The purpose of this City Council Workshop is to receive public input regarding concerns, suggestions, and ideas relating to the implementation of the new Strong Mayor form of government.

(See City Manager Report CMR-05-019.)

**Note:** This is an information item only.

**SUPPORTING INFORMATION:**

On November 2, 2004, the City of San Diego voters approved Proposition F. The passage of this proposition will result in a significant change to the City's form of government. In accordance with the language of Proposition F, certain provisions of the City Charter will be suspended and new provisions enacted, all to create a Strong Mayor form of government for a trial period beginning January 1, 2006, and ending December 31, 2010.

The new form of government will be different from the present form of government in many substantive aspects. For example, the Mayor becomes the City's Chief Executive Officer and will assume much of the authority and responsibility currently held by the City Manager. The Mayor will no longer be a member of the City Council and will be in charge of running the day-to-day affairs of the City. The Mayor will be responsible for preparing the annual budget for the Council's consideration and adoption. Under the new system, the City Council will select a Presiding Officer of the Council and can choose new committees. The Council will also appoint an Independent Budget Analyst to review and provide budget information to the Council, independent from the Mayor.

The purpose of this City Council Workshop is to receive public input regarding concerns, suggestions, and ideas relating to the implementation of the new Strong Mayor form of government.



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**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item 50.

ORDINANCES TO BE INTRODUCED:

Item 51.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION:

- \* ITEM-50: Bid Protest Bonds and Clean Up Revisions to City's Public Contracting Ordinance.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 01/11/2005, Item 150,  
Subitem A. (Council voted 9-0):

(O-2005-77)

Amending Chapter 2, Article 2, of the San Diego Municipal Code by amending Division 8, Section 22.0807, relating to Debarment; by amending Division 30, Sections 22.3003, 22.3006, 22.3026, 22.3029, 22.3036, and 22.3037, Division 31, Section 22.3102 and Division 32, Sections 22.3212, and 22.3223, all relating to Administration of Contracts.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCE TO BE INTRODUCED:**

- \* ITEM-51: First Amendment to the Facility Franchise Agreement with San Diego Landfill Systems to Extend the Existing Agreement's Provisions Dealing with Disposal of Biosolids.

(See City Manager Report CMR-05-006.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-82)

Introduction of an Ordinance amending the Facility Franchise Agreement with the San Diego Landfill Systems, to extend the existing Agreement's provisions dealing with disposal of biosolids, for an additional five year period, under the terms and conditions set forth in Amendment No. 1;

Authorizing the expenditure not to exceed \$1,585,339, solely and exclusively, to fund the beneficial reuse of biosolids from the effective date of Amendment No. 1 through the end of Fiscal Year 2005;

Authorizing the City Auditor and Comptroller to transfer any excess funds to the appropriate reserves upon advice from the administering department.

Aud. Cert. 2500613.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Two actions related to Additional Funding for the Central Police Garage Relocation Project.

(City Heights Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-730)

Amending the Fiscal Year 2005 Capital Improvement Program Budget by increasing CIP-36-063.0, Central Police Garage Relocation, Fund No. 630221, Contributions from the General Fund;

Authorizing City Auditor and Comptroller to transfer an amount not to exceed \$85,000 from Fund No. 100, General Fund Police Department FY05 Operating Budget, to Fund No. 630221, Contributions from the General Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend \$85,000 from Fund No. 630221, Contributions from the General Fund into CIP-36-063.0, Central Police Garage Relocation, for the purpose of construction;

Authorizing the expenditure of an amount not to exceed \$188,409 from Fund No. 30244, CIP-37-028.0, Undergrounding of Utilities to Sundt Construction, for the purpose of undergrounding overhead utilities on Federal Boulevard and tying those in with the new on-site utilities in the Police Garage, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, to the appropriate reserves.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

Subitem-B: (R-2005-715)

Stating for the record that the information contained in the final Mitigated Negative Declaration, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the Central Police Garage Relocation;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**CITY MANAGER SUPPORTING INFORMATION:**

On September 23, 2003, the City Council authorized the award of a design build contract for the Central Police Garage Relocation (RR-298416). The project site is located at the northeast corner of Home Avenue and Federal Boulevard within the Fairmount Park neighborhood of the City Heights Community Planning Area. The 28,000 square foot Vehicle Maintenance Facility (VMF), currently under construction, will include administrative offices, vehicle service, storage space, surface parking spaces, fuel station, oil lubrication site, and vehicle wash bay. To accommodate the VMF building, the existing K-9/SWAT facility is being relocated to vacant land to the east of the pistol range and north of Federal Boulevard. No modification to the pistol range was proposed as a part of this project. This project has been coordinated extensively with the community, and includes sidewalk improvements, landscaping in accordance with the Chollas Creek Enhancement Plan, a meeting room, post construction Best Management Practices (BMP's), acquisition of parkland, and public art.

At the request of the Police Department, an additional \$85,000 of funding is being provided for improvements not originally included in the project. These include: a concrete apron around the Vehicle Maintenance Facility; dog training field lighting; additional doors and walks around the modular building at the K-9/SWAT facility, and other design changes unforeseen at the award of this contract. In addition, the contract calls for the undergrounding of all on-site utilities. The additional \$188,409 from CIP-37-028.0, Undergrounding of City Utilities, will allow the existing overhead utilities in the Federal Boulevard be undergrounded with the on-site utilities, and provide Street Lights with all the other Public Improvements being installed by the Design-Build Contractor.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

**FISCAL IMPACT:**

The total project cost is \$10,673,409. Previously, The City Council authorized the design-build contract for a total cost of \$8,220,000. The total cost of this action is \$273,409. Funding is available from FY 05, Police Department Operating Budget, Fund No. 100, General Fund (\$85,000) and CIP-37-028.0, Undergrounding of City Utilities, Fiscal Year 2005 Annual Allocation, Fund No. 30244, Underground Surcharge Fund (\$188,409).

Mendes/Boekanp/AO

Aud. Cert. 2500640.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-101: Lease Agreement with Boys and Girl Clubs of Inland North County for 2.11 Acres at 2930 Marcy Avenue in Logan Heights for Recreational, Educational, Health, Social and Cultural Activities for the Youth.

(Logan Heights Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-667)

Authorizing the City Manager to execute a 15-year lease agreement with two 10-year options to extend with Boys' and Girl' Clubs of Inland North county, a California nonprofit public benefit corporation, dba Boys & Girls Clubs of San Diego, for a recreational facility on approximately 2.11 acres at 2930 Marcy Avenue, under the terms and conditions set forth in a lease agreement;

Waiving Council Policy 700-41 regarding the use of the RFP process for the lease of City-owned land.

**CITY MANAGER SUPPORTING INFORMATION:**

Since 1941, the Boys & Girls Club has leased approximately 2.11 acres at 2930 Marcy Avenue in Logan Heights to provide recreational, educational, health, social and cultural activities for the youth of the surrounding community. The current lease commenced on February 1, 1992, and is on holdover. Improvements on the property that have been constructed by the Boys & Girls Club include an indoor swimming pool, a gymnasium, a computer room, offices, class rooms and art rooms.

The terms of the proposed lease renewal are as follows:

**TERM:** 15 years with two 10-year options to extend.

**DEVELOPMENT PLAN:** The Boys & Girls Club will spend a minimum of \$2.4 million to upgrade the existing improvements. A complete general development plan is required from the Boys & Girls Club within five years of the effective date of the lease. All operations and maintenance costs associated with the property are the responsibility of the lessee.

**FEE:** Annual administrative fee with an annual CPI adjustment. The fee for 2005 is \$2,712.50.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**CITY MANAGER SUPPORTING INFORMATION: (Continued)**

USES: Renovation, operation and maintenance of a Boys & Girls Club for recreational, educational, health, social and cultural uses by Boys & Girls Club members and the general public, which may include the operation of a Head Start Program.

SIZE: 2.11 acres. The boundaries of the leasehold will remain the same.

The fee simple value of the land as unimproved was estimated by City staff as of July 26, 2004, to have a fair market value of \$500,000.

**FISCAL IMPACT:**

\$2,712.50 per year, subject to annual CPI adjustments, will be deposited into the General Fund from lessee.

Herring/Griffith/CLY

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-102: Third Amendment to Consultant Agreement with Estrada + EDAW Partnership for Professional Services for the North Chollas Community Park Phase 1 Improvements.

(Eastern Community Area. District 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-659)

Authorizing the City Manager to execute an agreement with Estrada + EDAW Partnership, for professional services required to provide mitigation monitoring for the North Chollas Community Park Phase 1 Improvements (Project), under the terms and conditions set forth in the Agreement;

Authorizing the appropriation and expenditure of an amount not to exceed \$22,990 from CIP-29-667.0, North Chollas Community Park Phase 1 Improvements, Park and Recreation Grant Match, Fund No. 630221, for this purpose, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer and authorizing the City Auditor and Comptroller to return excess budgeted funds to the appropriate reserve.

**CITY MANAGER SUPPORTING INFORMATION:**

The North Chollas Community Park, when complete, will cost between \$19 million to \$25 million. There is an approved General Development Plan (GDP) for the Community Park, and projects are being implemented, in phases, as funds become available. Currently, the Community Park has the following improvements: a turfed baseball/multipurpose field with a 300' outfield fence, spectator plaza, 110-space parking lot, entry road, park identification, signage and landscaping, herein referred to below as Phases 1A and 1B.

- On July 7, 2000, the City entered into an Agreement with Estrada + EDAW Partnership for consultant services necessary for the design and construction of the North Chollas Community Park Phase 1A and 1B Improvements, in accordance with the GDP that they helped to prepare.
- Phase 1A has been completed.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**CITY MANAGER SUPPORTING INFORMATION: (Continued)**

- The City entered into the First Amendment to Agreement with Estrada + EDAW Partnership to provide consultant services for the design of Phase 2 (adding a new comfort station).
- On February 3, 2003, the City and Consultant entered into the Second Amendment to Agreement with Estrada + EDAW Partnership to provide consultant services for reports and studies required by regulatory agencies for Phase 1B.
- Construction of Phase 1B has subsequently been completed.
- This Third Amendment to Agreement will provide consultant services needed to monitor and maintain environmental mitigation sites constructed for the Phase 1B project. As stated above, the various phases of the approved GDP are being designed and constructed as funds become available, hence the need for the amendments to the Agreement with Estrada + EDAW.

**FISCAL IMPACT:**

The consultant's fee for the original Agreement was \$80,000. The fee for the First Amendment to Agreement was \$138,860. The fee for the Second Amendment to Agreement was \$50,000. An additional \$22,990 is necessary to provide for additional services requested by the City. Funds for this purpose, \$22,990, are available in CIP-29-667.0, North Chollas Community Park Phase 1 Improvements, Park and Recreation Grant Match, Fund No. 630221. Funding for maintenance of this new facility was programmed last Fiscal Year.

Herring/Oppenheim/AP

Aud. Cert. 2500580.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Electrical Easement Grant to San Diego Gas and Electric for Fire Station No. 31.

(Navajo Community Area. District 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-686)

Authorizing the City Manager to execute an easement deed in favor of SDG&E, affecting a portion of Lot 67 of the Partition of Rancho Mission of San Diego according to Map No. 330, filed in the Office of the County Recorder, for the purpose of maintaining, constructing, repairing, and using underground facilities for the transmission and distribution of electricity, as more particularly described in the easement deed.

**CITY MANAGER SUPPORTING INFORMATION:**

SDG&E has submitted a request for an electrical easement to serve the new Fire Station 31 located at the Northeast corner of College Avenue and Camino Rico in the Del Cerro neighborhood of the Navajo Community area. The easement is to provide power to a transformer located on the Northwest corner of the City-owned parcel. The property (APN: 670-230-04) totals 21,671 square feet or 0.5-acre, and the proposed easement is approximately 125 square feet or 0.003-acre. The power lines will be undergrounded and will run a short distance from the street to the transformer, having little impact on the utility of the parcel. Since the easement serves a city facility, there is no compensation for the easement grant.

**FISCAL IMPACT:**

None.

Herring/Griffith/JPA

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-104: Two actions related to Sewer Easement Vacation and General Utility Easement Vacation in Jackson's Map of Middletown PTS No. 16618.

(Centre City Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-453)

Vacating the sewer easement located within Lots 1 through 12 inclusive within Jackson's Map of Middletown, to unencumber this property and facilitate development of the site under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code and San Diego Municipal Code Section 125.1001 et seq.

Subitem-B: (R-2005-461)

Vacating the general utility easement located at Spruce Street (vacated) within Jackson's Map of Middletown, to unencumber this property and facilitate development of the site under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code and San Diego Municipal Code Section 125.1001 et seq.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate unneeded sewer easements within a portion of Lots 1 through 12 inclusive in Block 131 of Jackson's Map of Middletown and an unneeded general utility easement within Spruce Street (vacated) of Jackson's Map of Middletown as shown on Engineering Drawing 20142-B. This property is located southwesterly of Sassafras Street and Kettner Boulevard in the Centre City Community Planning Area in Council District 2.

The sewer and general utility easements being vacated are on private property. They were acquired at no cost to the City, and the City has no fee interest. The applicant is obtaining a permit for a parking structure to be constructed over the existing easements.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The existing public utilities within these areas will be relocated within the contiguous public rights-of-way of Kettner Boulevard and Sassafras Street, making the existing utilities and easements unnecessary. There is no present or anticipated future use for the easements in their present locations.

Staff has reviewed the request and recommends approval of the vacations.

**FISCAL IMPACT:**

None.

Loveland/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: Funding for Fanuel Street Park Walkway Replacement.

(Mission Bay Park Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-719)

Amending the Fiscal Year 2005 Capital Improvements Program by adding CIP-22-963.0, Fanuel Street Park - Walkway Replacement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$85,000 from Park and Recreation Department/Developed Regional Park's budget in Fund No. 100, Department No. 443, Organization No. 2452, Object Account No. 4213 and Job Order No. 024521 to Fund No. 630221, Contributions from 100 fund;

Authorizing an increase in the Fiscal Year 2005 Capital Improvements Program Budget by \$85,000 in CIP-22-963.0, Fanuel Street Park - Walkway Replacement, Fund No. 630221, Contributions from 100 fund;

Authorizing the City Auditor and Comptroller to appropriate and expend \$85,000 from CIP-22-963.0, Fanuel Street Park - Walkway Replacement, Fund No. 630221, Contributions from 100 fund, for the purpose of construction of damaged walkway.

**CITY MANAGER SUPPORTING INFORMATION:**

This request authorizes the City Manager or his representative to fund the construction, and all associated costs, of the walkway at Fanuel Street Park that was unforeseeably damaged during the storm event that occurred the week of October 11, 2004. The effects of the storm resulted in substantial damage to the walkway that separates Fanuel Street Park and Mission Bay. Approximately 100 linear feet of the walkway buckled, due to the high velocity and excessive volume of storm water runoff. Because of the resultant hazardous condition, it was necessary to proceed with construction immediately. Work for this construction was completed by Scheidel Contracting and Engineering, Inc., as a Sole Source Contract. It is anticipated that the new walkway is sufficiently reinforced and designed to withstand similar future storm events.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

**FISCAL IMPACT:**

The estimated total cost of this project is \$85,000. Of this amount, \$25,000 is for engineering and related services, \$55,400 is for construction, and \$4,600 is for contingencies. Funding of \$85,000 is available in Park and Recreation Department/Developed Regional Park's budget in Fund No. 100, Department No. 443, Organization No. 2452, Object Account No. 4213 and Job Order No. 024521 for this purpose.

Herring/Oppenheim/AP

Aud. Cert. 2500633.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: El Camino Real Acceleration Lane Funding.

(North City Sub Area 2 Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-717)

Amending the Fiscal Year 2005 Capital Improvement Program Budget by adding CIP-52-746.0, El Camino Real Acceleration Lane, to the Fiscal Year 2005 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Program budget by appropriating \$120,000 into CIP-52-746.0, El Camino Real Acceleration Lane, Fund 390662, North City Sub Area 2;

Authorizing the expenditure of an amount not to exceed \$120,000 from Fund 390662, North City Sub Area 2, CIP-52-746.0, El Camino Real Acceleration Lane, solely and exclusively for the purpose of providing funds for the design and construction of the El Camino Real Acceleration Lane, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will add a new project to the Fiscal Year 2005 Capital Improvement Program, entitled "El Camino Real Acceleration Lane". The project will construct a 250 foot acceleration lane for residents making a left turn from Sea Country Lane onto El Camino Real. This improvement will permit safer acceleration and merging into traffic on El Camino Real. This project has been coordinated with Council District 1.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

**FISCAL IMPACT:**

Total estimated cost of the project is \$120,000. Funding is available in developer FBA Fund 390662, North City Sub Area 2.

Mendes/Boekamp/DZ

Aud. Cert. 2500627.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-107: Establishing a Tow-Away Zone Approximately 400 Feet on West Ysidro Boulevard, West of Via De San Ysidro, South Side.

(San Ysidro Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-725)

Authorizing the prohibition of the parking or standing of vehicles between the hours of 4:00 p.m. and 7:00 p.m. Monday through Friday (Saturdays, Sundays, and Holidays excepted), on approximately 400 feet of the south side of west San Ysidro Boulevard west of Via De San Ysidro and east of Cottonwood Road, pursuant to authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.05;

Declaring that this parking prohibition on the south side of west San Ysidro Boulevard west of Via De San Ysidro and east of Cottonwood Road is to be enforced as a tow-away zone under the authority of California Vehicle Code Section 22651(n) and San Diego Municipal Code Sections 81.09 and 86.05;

Authorizing the installation of the necessary signs and markings to be made on said streets, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes a Tow-Away Zone to be used in conjunction with a PM Peak Hour Lane between the hours of 4:00 p.m. to 7:00 p.m. Monday through Friday (Saturdays, Sundays and Holidays excepted) to be located approximately 400 feet on the south side of W. San Ysidro Boulevard west of Via De San Ysidro. The afternoon peak hour (4:00pm to 7:00pm) restriction with a Tow-Away provision is proposed in order to relieve travel congestion on W. San Ysidro Boulevard, between Cottonwood Road and Via De San Ysidro. This will be accomplished by converting the parking lane along the south side of W. San Ysidro Boulevard to a travel lane during the afternoon peak traffic hours. Presently, this portion of W. San Ysidro Boulevard has one (1) travel lane for west and eastbound directions. During afternoon peak times, the eastbound commute becomes heavily congested, and the proposed PM Peak Hour lane will help relieve congestion and allow better access to the I-5 freeway on-ramps.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-107: (Continued)

**CITY MANAGER SUPPORTING INFORMATION: (Continued)**

Signs indicating NO STOPPING with TOW A WAY (4PM to 7PM, Monday thru Friday) provision will be posted at this location. The TOW AWAY provision is needed to prevent blockage of the proposed through traffic lane, and it is in accordance with the California Vehicle Code Section 22651(n) and San Diego Municipal Code Sections 81.09 and 86.05.

The San Ysidro Business Association is in favor of this action. All adjacent property owners have been notified, and no objections have been filed at this time. Staff recommends approval of this action.

**FISCAL IMPACT:**

\$1,200 for three signs. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

Aud. Cert. 2500645.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-108: Establishing Angle Parking from 2548 A Street to 25th Street North Curb and from 2545 A Street to 26th Street South Curb.

(Golden Hills Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-726)

Authorizing the installation of angle parking from 2548 A Street to 25th Street along the north curb and from 2545 A Street to 26th Street along the south curb, pursuant to authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings be and the same to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

**CITY MANAGER SUPPORTING INFORMATION:**

A Street is a residential street. The residents expressed concern with the shortage of parking on this block of A Street. They submitted a petition signed by 100% of the fronting residents requesting angle parking. In addition, the Greater Golden Hill Planning Committee voted to support this action on December 8, 2004.

Because angle parking can not be installed on an uphill grade, it will be installed from 2548 A Street to 25th Street along the north curb, and from 2545 A Street to 26th Street, along the south curb. Field survey by staff indicated that there is sufficient room for angle parking on both sides of the street in the down grade sections, and it will result in a gain of seven parking spaces.

**FISCAL IMPACT:**

Fiscal impact is \$800. Funds are available in the Street Division budget for this purpose.

Mendes/Boekamp/DVW

Aud. Cert. 2500644.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-109: Establishing Angle Parking Zone on South 30<sup>th</sup> Street Between Ocean View Boulevard and Marcy Avenue.

(Southeastern San Diego Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-685)

Authorizing the installation of an angled parking zone on the west side of South 30th Street between Ocean View Boulevard and Marcy Avenue, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will authorize the City Manager to install an angle parking zone on the west side of South 30th Street between Ocean View Boulevard and Marcy Avenue. This action is in accordance with Municipal Code Section 86.03.

Every parcel on the west side of this segment of South 30th Street is owned by the City, no petition supporting this action is required. The community expressed concern with shortage of parking in the area and requested the City to convert existing parallel parking to angle parking. Field survey by staff indicated that there is sufficient room for angle parking on the west side of the street, and it will result in a gain of nineteen parking spaces. Therefore, angle parking is recommended. The Southeastern San Diego Planning Committee voted to support this action in their meeting on September 13, 2004.

**FISCAL IMPACT:**

\$3,100. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-110: Consideration of Nominees for Appointment to the San Diego Unified Port District Board of Commissioners.

(See memorandums from Mayor Murphy and Councilmember Zucchet dated 12/6/2004, Councilmember Peters dated 12/7/2004, Councilmember Maienschein dated 11/30/2004, Councilmember Frye dated 1/13/2005, and Councilmember Madaffer dated 12/6/2004 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Consider the following list of nominees and select **one** to fill the vacancy on the San Diego Unified Port District Board of Commissioners:

NOMINEE

Kourosh Hangafarin,  
(appointment)

Peter Q. Davis  
(reappointment)

NOMINATED BY

Mayor Murphy, Councilmember Zucchet,  
Councilmember Peters, Councilmember  
Maienschein, and Councilmember Madaffer

Councilmember Frye

**TODAY'S ACTION IS:**

(R-2005-740 Cor. Copy)

Adoption of a Resolution making **one** appointment to the San Diego Unified Port District Board of Commissioners for a term ending January 2, 2009.

NOTE: Council Policy 000-13, as amended on 12-3-84, provides for the following procedure:

1. Mayor calls on each candidate whose name appears on the docket as a nominee to make a presentation to the Council in support of his candidacy for appointment (maximum of 3 minutes presentation each).
2. The Mayor calls on members of the Council to ask brief questions of any of the candidates concerning either the presentation or matters contained in their application filed with the City.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

3. The City Clerk provides ballots to the Council and each Councilmember votes for the candidates he/she feels to be most qualified for each vacancy and returns the ballots to the City Clerk. Each Councilmember has one vote per vacancy.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: (Continued)

4. The candidates receiving the highest number of votes (minimum of five) shall be appointed to the vacancy.
5. If no candidates receive a minimum of five votes, balloting continues until there are sufficient candidates receiving a majority to fill those vacancies. In a tie among the top vote getters, those candidates run off for the vacancies. If an insufficient number of candidates receive a majority of votes to fill all vacancies, a run off will be held among the remaining candidates to fill the remaining vacancies.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-407)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- \* ITEM-112: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-679)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-113: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-682)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- \* ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-587)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-115: Harriet Gill and Friends of San Diego Architecture Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-747)

Recognizing Harriet Gill and the Friends of San Diego Architecture for its contribution to the architectural and design community of San Diego;

Proclaiming January 15, 2005, to be "Harriet Gill and Friends of San Diego Architecture Day" in the City of San Diego.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTIONS:**

ITEM-200: Strong Mayor Transition Consultant – Request for Qualifications.

(See City Manager Report CMR-05-020.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-748)

Authorizing the City Manager to issue a Request for Qualifications for consulting services for the Strong Mayor Form of Government transition process.

**CITY MANAGER SUPPORTING INFORMATION:**

On November 2, 2004, the City of San Diego voters approved Proposition F. The passage of this proposition will result in a significant change to the City's form of government. In accordance with the language of Proposition F, certain provisions of the City Charter will be suspended and new provisions enacted, all to create a Strong Mayor form of government for a trial period beginning January 1, 2006, and ending December 31, 2010.

The new form of government will be different from the present form of government in many substantive aspects. The transition process may benefit from the help and expertise from a consulting firm with experience in the transition of a Manager-Council form of government to a Strong Mayor form of government.

The Resolution would authorize staff to prepare and issue a Request for Qualifications for consulting services for the Strong Mayor form of government transition process.

**FISCAL IMPACT:**

None at this time.

Herring/BAM

PUBLIC NOTICE:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: This item has been removed from the Docket.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT